

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHARLES R. BAUER,	)	
	)	CASE NO: 1:18-cv-03634
Plaintiff,	)	
	)	Honorable Mary M. Rowland
vs.	)	
	)	
ROUNDPOINT MORTGAGE	)	
SERVICING CORPORATION,	)	
CARISBROOK ASSET HOLDING	)	
TRUST, WIRBICKI LAW GROUP, LLC,	)	
UNKNOWN OWNERS , and NON-	)	
RECORD CLAIMANTS,	)	
	)	
Defendants.	)	
_____	)	

**JOINT STATUS REPORT**

NOW COME Plaintiff CHARLES R. BAUER (“Plaintiff”), and Defendant ROUNDPOINT MORTGAGE SERVICING CORPORATION (“RoundPoint”)<sup>1</sup>, by and through their respective counsel, and submit this *Joint Status Report* in preparation for the Reassignment Status Hearing set for September 25, 2019, at 8:30 a.m. in Courtroom 1225 pursuant to the Court’s order. (*See* Dkt. # 57).

The claims in this matter have been dismissed or settled. Plaintiff is waiting for the Settlement Payment before dismissing the Action.

**I. Nature of the Case**

**A. Attorneys of Record:**

The attorneys of Record for Plaintiff are:

Thomas A. Zimmerman, Jr.

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<sup>1</sup> The claims against WIRBICKI LAW GROUP, LLC and CARISBROOK ASSET HOLDING TRUST were dismissed. (*See* Dkt. # 40).

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**B. Basis for Federal Jurisdiction**

There is federal question jurisdiction pursuant to 28 U.S.C. 1331 as this action

arises under the Dodd-Frank Wall Street Reform and Consumer Protection Act (“DFA”), the Real Estate Settlement Procedures Act, 12 U.S.C. §§2601, et seq . (“RESPA”), the Truth in Lending Act, 15 U.S.C. §1640(e) (“TILA”), the Fair Debt Collection Practices Act, 12 U.S.C. §§1692, et seq . (“FDCPA”), and the Fair Credit Reporting Act, 15 U.S.C. §1681, et seq . (“FCRA”).

### **C. Nature of Claims**

Plaintiff prevailed in a state court foreclosure proceeding, securing dismissal with prejudice of all claims brought by his mortgage owner. The resolution of that case determined that the note and mortgage at issue were not enforceable by operation of Illinois law. Yet thereafter, the new owner of that unenforceable debt and its servicer made repeated attempts to collect the uncollectable debt. Thus, Plaintiff was compelled to bring this action to remedy those wrongs, seeking damages and a ruling that title to his property is clear of any mortgage lien.

On October 29, 2018, the Court granted Wirbicki’s motion to dismiss the claims against it. (See Dkt. # 40). As to RoundPoint and Carisbrook’s motion to dismiss, the Court granted it in part and denied it in part. (See Dkt. # 40). The two remaining claims in the Action allege that RoundPoint violated the Fair Debt Collection Practices Act and the Illinois Consumer Fraud Act by sending Plaintiff correspondence indicating that a foreclosure action would be pursued if Plaintiff failed to cure the default on the mortgage loan.

### **Settlement**

On August 13, 2019, Plaintiff and RoundPoint entered into a Settlement Agreement and Release of Claims (“Settlement Agreement”). Pursuant to the Settlement

Agreement, Plaintiff agrees to voluntarily dismiss the Action with prejudice within ten (10) days of the receipt of the Settlement Payment. As of the time of this filing, Plaintiff has not received the Settlement Payment.

**D. Relief Sought** – Given the settlement of this matter, the relief sought is moot.

**E. Parties not served** – NONE.

## **II. Discovery and Pending Motions**

Given the settlement of this matter, the status of discovery and pending motions is moot.

## **III. Trial**

Given the settlement of this matter, the status of discovery and pending motions is moot.

## **IV. Settlement, Referrals, and Consent**

Given the settlement of this matter, the status of discovery and pending motions is moot.

Dated: September 18, 2019

Respectfully submitted,

By: /s/ Sharon A. Harris

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**CERTIFICATE OF SERVICE**

Sharon A. Harris, an attorney, hereby certifies that he caused the above and foregoing *Joint Status Report* to be served upon counsel of record in this case via the U.S. District Court CM/ECF System on this day September 18, 2019.

s/ Sharon A. Harris